

REFERENCE TITLE: Indian education act

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2768

Introduced by
Representatives Anderson, Kirkpatrick, Senator Hale: Representatives
Chase, Konopnicki, Nichols, Quelland, Rosati, Yarbrough

AN ACT

AMENDING TITLE 15, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING
SECTION 15-244; RELATING TO THE DEPARTMENT OF EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 2, article 2, Arizona Revised Statutes,
3 is amended by adding section 15-244, to read:

4 15-244. Division of Indian education; fund; definition

5 A. A DIVISION OF INDIAN EDUCATION IS ESTABLISHED IN THE DEPARTMENT OF
6 EDUCATION. THE STATE SUPERINTENDENT SHALL APPOINT AN ASSISTANT
7 SUPERINTENDENT FOR INDIAN EDUCATION, WHO SHALL DIRECT THE ACTIVITIES OF THE
8 DIVISION.

9 B. THE INDIAN EDUCATION DIVISION SHALL:

10 1. PROVIDE ASSISTANCE TO SCHOOL DISTRICTS AND INDIAN TRIBES TO MEET
11 THE EDUCATIONAL NEEDS OF NATIVE AMERICAN PUPILS.

12 2. PROVIDE ASSISTANCE TO SCHOOL DISTRICTS AND INDIAN TRIBES IN THE
13 PLANNING, DEVELOPMENT, IMPLEMENTATION AND EVALUATION OF CURRICULA IN NATIVE
14 LANGUAGES, CULTURE AND HISTORY THAT ARE DESIGNED FOR NATIVE AMERICAN PUPILS.

15 3. PROVIDE ASSISTANCE TO SCHOOL DISTRICTS AND INDIAN TRIBES TO DEVELOP
16 CURRICULA AND INSTRUCTIONAL MATERIALS IN NATIVE LANGUAGES, CULTURE AND
17 HISTORY IN CONJUNCTION AND BY CONTRACT WITH NATIVE LANGUAGE PRACTITIONERS AND
18 TRIBAL ELDERS, UNLESS THE USE OF WRITTEN LANGUAGE IS EXPRESSLY PROHIBITED BY
19 THE TRIBE.

20 4. ESTABLISH AN INDIAN EDUCATION ADVISORY COUNCIL IN THE DEPARTMENT OF
21 EDUCATION.

22 5. ENCOURAGE AN AGREEMENT REGARDING THE ALIGNMENT OF THE BUREAU OF
23 INDIAN AFFAIRS AND STATE ASSESSMENT PROGRAMS SO THAT COMPARABLE INFORMATION
24 IS PROVIDED TO PARENTS AND INDIAN TRIBES.

25 6. ENCOURAGE AND FOSTER PARENTAL INVOLVEMENT IN THE EDUCATION OF
26 NATIVE AMERICAN PUPILS.

27 C. TWICE EACH YEAR, REPRESENTATIVES FROM ALL TRIBES, MEMBERS OF THE
28 STATE BOARD, THE GOVERNOR'S OFFICE, THE ARIZONA COMMISSION OF INDIAN AFFAIRS,
29 THE LEGISLATURE, THE SUPERINTENDENT OF PUBLIC INSTRUCTION AND THE INDIAN
30 EDUCATION ADVISORY COUNCIL SHALL MEET TO ASSIST IN EVALUATING, CONSOLIDATING
31 AND COORDINATING ALL ACTIVITIES RELATING TO THE EDUCATION OF NATIVE AMERICAN
32 PUPILS.

33 D. MEMBERS OF THE INDIAN EDUCATION ADVISORY COUNCIL ARE ELIGIBLE FOR
34 REIMBURSEMENT OF EXPENSES PURSUANT TO TITLE 38, CHAPTER 4, ARTICLE 2.

35 E. THE DIVISION OF INDIAN EDUCATION, IN COLLABORATION WITH THE
36 EDUCATION DIVISION OF THE BUREAU OF INDIAN AFFAIRS AND OTHER ENTITIES THAT
37 SERVE NATIVE AMERICAN PUPILS, SHALL SUBMIT AN ANNUAL STATEWIDE NATIVE
38 AMERICAN EDUCATION STATUS REPORT TO ALL INDIAN TRIBES IN THIS STATE. THE
39 DIVISION SHALL PROVIDE A COPY OF THIS REPORT TO THE SECRETARY OF STATE AND
40 THE DIRECTOR OF THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS.

41 F. A SCHOOL DISTRICT WITH TRIBAL LANDS LOCATED WITHIN ITS BOUNDARIES
42 SHALL PROVIDE A DISTRICT-WIDE NATIVE AMERICAN EDUCATION STATUS REPORT TO ALL
43 INDIAN TRIBES REPRESENTED WITHIN THE SCHOOL DISTRICT BOUNDARIES.

1 G. THE STATUS REPORTS PRESCRIBED IN SUBSECTIONS E AND F SHALL BE
2 WRITTEN IN A BRIEF FORMAT AND SHALL INCLUDE THE FOLLOWING INFORMATION,
3 THROUGH WHICH PUBLIC SCHOOL PERFORMANCE IS MEASURED AND REPORTED TO THE
4 INDIAN TRIBES:

5 1. STUDENT ACHIEVEMENT AS MEASURED BY A STATEWIDE TEST APPROVED BY THE
6 STATE BOARD, WITH RESULTS DISAGGREGATED BY ETHNICITY.

7 2. SCHOOL SAFETY.

8 3. THE DROPOUT RATE.

9 4. ATTENDANCE.

10 5. PARENT AND COMMUNITY INVOLVEMENT.

11 6. EDUCATIONAL PROGRAMS THAT TARGET NATIVE AMERICAN PUPILS.

12 7. FINANCIAL REPORTS.

13 8. THE CURRENT STATUS OF FEDERAL INDIAN EDUCATION POLICIES AND
14 PROCEDURES.

15 9. SCHOOL DISTRICT INITIATIVES TO DECREASE THE NUMBER OF STUDENT
16 DROPOUTS AND INCREASE ATTENDANCE.

17 10. PUBLIC SCHOOL USE OF VARIABLE SCHOOL CALENDARS.

18 11. SCHOOL DISTRICT CONSULTATIONS WITH PARENT ADVISORY COMMITTEES.

19 H. THE INDIAN EDUCATION FUND IS ESTABLISHED CONSISTING OF
20 APPROPRIATIONS, GIFTS, GRANTS AND DONATIONS AND INCOME FROM INVESTMENT OF
21 MONIES IN THE FUND. THE DEPARTMENT OF EDUCATION SHALL ADMINISTER THE FUND.
22 MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED. THE DEPARTMENT OF
23 EDUCATION SHALL DISTRIBUTE MONIES FROM THE FUND AS GRANTS TO SUPPORT THE
24 PURPOSES OF THIS SECTION. THE DEPARTMENT OF EDUCATION SHALL DEVELOP
25 APPLICATION AND ELIGIBILITY PROCEDURES FOR DISTRIBUTIONS OF GRANTS FROM THE
26 FUND.

27 I. THE STATE BOARD OF EDUCATION, IN CONSULTATION WITH THE INDIAN
28 TRIBES IN THIS STATE, MAY ADOPT RULES TO IMPLEMENT THIS SECTION.

29 J. FOR THE PURPOSES OF THIS SECTION, "TRIBE" MEANS AN INDIAN NATION,
30 TRIBE OR PUEBLO LOCATED IN THIS STATE.

31 Sec. 2. Intent: designation of act

32 A. The purposes of this act are to:

33 1. Ensure equitable and culturally relevant learning environments and
34 educational opportunities and culturally relevant instructional materials for
35 Native American students enrolled in public schools.

36 2. Ensure maintenance of native languages.

37 3. Provide for the study, development and implementation of
38 educational systems that positively affect the educational success of Native
39 American students.

40 4. Ensure that the department of education partners with tribes to
41 increase tribal involvement and control over schools and the education of
42 students located in tribal communities.

43 5. Encourage cooperation among the educational leadership of this
44 state, Utah, New Mexico and the Navajo Nation to address the unique issues

1 of educating students in Navajo communities that arise due to the location of
2 the Navajo Nation in those states.

3 6. Provide the means for a formal government-to-government
4 relationship between this state and the Indian tribes in this state and the
5 development of relationships with the education division of the bureau of
6 Indian affairs and other entities that serve Native American students.

7 7. Provide the means for a relationship between this state and urban
8 Native American community members to participate in initiatives and
9 educational decisions related to Native American students residing in urban
10 areas.

11 8. Ensure that parents, tribal departments of education,
12 community-based organizations, the department of education, universities and
13 tribal, state and local policymakers work together to find ways to improve
14 educational opportunities for Native American students.

15 9. Ensure that tribes are notified of all curricula development for
16 their approval and support.

17 10. Encourage an agreement regarding the alignment of the bureau of
18 Indian affairs and state assessment programs so that comparable information
19 is provided to parents and tribes.

20 11. Encourage and foster parental involvement in the education of
21 Native American students.

22 B. This act may be cited as the "Indian Education Act".